

VELDMAN et al.
Appl. No. 10/579,230
Atty. Ref.: 620-439
Amendment After Final Rejection
November 5, 2010

REMARKS

Reconsideration is requested.

Claims 92, 94-134 and 136-146 are pending.

Claims 152 and 153 have been added.

Claims 92, 94-134, 136-146, 152 and 153 will be pending upon entry of the present Amendment.

The allowance of claims 125 and 126 is acknowledged, with appreciation.

Claims 94-98, 106, 107, 122 and 132-134 have been objected to, presumably for depending from a rejected base claim. The claims have not been rejected. Further clarification is requested in the event the undersigned's statement of the basis of the objection is incorrect.

Claim 92 has been revised, without prejudice, to include details of claims 94 and 97, which depend from claim 92, and are believed to define allowable subject matter. Claim 146 has been made dependent from claim 92, as further described below, to advance prosecution. Entry of the present Amendment will obviate the outstanding rejections (i.e., the Section 102 rejection of claims 92, 99-105, 108-121 and 123 over Abe (European Journal of Biochemistry (1992), 210(3), 765-73); the Section 103 rejection of claim 124 over Abe; and the Section 103 rejection of claims 92, 99-102, 105, 108-117, 127-131 and 136-146 over Futerman (Methods in Enzymology (1992), 209 (Phospholipid Biosynth.), 437-46)), by revising the rejected claims to include subject matter identified as being allowable (i.e., claims 94 and 97).

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Claim 146 has been revised, without prejudice, to be dependent from claim 92.

The Examiner is requested to appreciate that the Caelyx® and Doxil® liposomes of claim 146 are examples of commercially available PEG-liposome-encapsulated doxorubicin, as described for example, at page 2, line 35 to page 3, line 3 and page 3, lines 5-10 of the specification. Pages 53-54 of the specification, for example, describe preparation of Caelyx® liposomes with post-inserted C₈-GlcCer. Moreover, doxorubicin is an example of an anthracycline (see for example, page 10, line 8 of the specification) such that the unamended claim 146 falls within the scope of the revised claim 92. Entry of the present amendment is requested to obviate the remaining rejection and place the application in condition for allowance.

While the above amendment adds claims without canceling a corresponding number of claims, the applicants respectfully request entry of the amendments, to advance prosecution. Specifically, new claim 152 combines the details of claim 106, claim 107 and unamended claim 92. Claims 106 and 107 were indicated as containing allowable subject matter, while depending from unamended claim 92. Claim 152 therefore is believed to define subject matter previously indicated by the Examiner as being allowable. The applicants request the Examiner exercise his discretion in this regard and enter the amendment. See, MPEP § 714.13 and Ex parte Wirt, 117 O.G., 599 (June 27, 1905) (copy attached), cited therein. The subject matter of the new claim was previously examined and entry of the new claim in this Amendment therefore should not raise new issues requiring further search and/or consideration.

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Similarly, entry and allowance of new claim 153 should not raise new issues requiring further search and/or consideration. New claim 153 defines subject matter previously examined and indicated as allowable in claim 132, which was dependent from unamended claim 92.

Entry of the present Amendment and a Notice of Allowance are requested.

The Examiner is requested to confirm acceptance of the drawings. See Request of March 18, 2010.

The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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